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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

DUKE TRAN,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

Case No. 3:15-CV-00979-BR

JOINT WITNESS AND EXHIBIT LIST

Pursuant to the August 25, 2016 Case Management Order (Dkt. 38), Plaintiff Duke Tran and Defendant Wells Fargo Bank, N.A. jointly submit this witness list.

1. Alshehri, Sam

Plaintiff Estimated Time: 30 minutes

Defendant Estimated Time: 45 minutes

Defendant Proposed Testimony:

Mr. Alshehri will testify generally about his work in Home Equity Maturing Accounts Specialty Services (HEMASS department) and his interactions with Duke Tran during the time period of 2013-2014, including but not limited to the following:

- Mr. Tran's performance under Mr. Alshehri;
- coaching notes of his interactions with Mr. Tran;
- challenges he experienced managing Mr. Tran and what he did to assist Mr. Tran in his job as a Customer Service Representative;
- comments that Tran made to Mr. Alshehri about weapons and photos Mr. Tran showed him.
- what CSRs are instructed to tell customers regarding loan documents to which they do not have access and cannot locate in their system;

Plaintiff's Objections: None.

Plaintiff Proposed Testimony:

In addition to Defendant's proposed Testimony, Mr. Alshehri will testify about the following:

- Knowledge and experience of company policies, procedures and practices
- Personal job duties, work experience and responsibilities; and of others in others in the organization
- Knowledge and experience of Duke Tran's employment

Defendant's Response: No objection to properly formed questions.

2. Besette, William

Plaintiff Estimated Time: Less than 30 minutes

Defendant Estimated Time: 15 minutes

Plaintiff Proposed Testimony:

Mr. Besette will testify about his background and work experience with Defendant. He will testify about his observations of Mr. LeDonne's treatment of Mr. Tran. He will testify about his communications with Mr. Tran about a situation with lost loan documents. He will testify about the system used by Defendant to access customer's mortgage loan documents. He will testify about receiving an email in 2014 about not telling customers that their loan documents were missing. He will also testify that he observed that LeDonne was treating Tran differently and worse than others.

Defendant's Objections: Mr. Besette's testimony regarding all communications with Mr. Tran are hearsay and therefore not properly admissible under FRE 801. His testimony regarding receiving an e-mail in 2014 about "*not telling customers that their loan documents were missing*" is cumulative and should be excluded under FRE 403. Defendant has never "implied" or taken the position that the 2014 e-mail was a "*mistake*" and will not do so at trial. Mr. Besette played no role in creating that 2014 e-mail at issue and lacks foundation to testify as to what does or does not qualify as a "policy" of Wells Fargo.

Plaintiff's Response: Mr. Besette's testimony about conversations with Tran is admissible to demonstrate Tran's good faith in reporting information that he believed was unlawful. His testimony about receiving the 2014 email is not cumulative, comes from his own opinion, it is persuasive evidence that the email was not a mistake (as Defendant has implied at various points) but was rather a policy of Defendant.

3. Childress, Michael

Plaintiff Estimated Time: 30 minutes

Defendant Estimated Time: 60 minutes

Defendant Proposed Testimony:

Mr. Childress will testify generally about his work in the HEMASS and Quality Assurance departments and his interactions with Duke Tran during the 2013-2014 time period, including but not limited to the following:

- the purpose of the Continuous Monitoring Program (CMP) within the Quality Assurance Department;
- the CMP process and scoring system;
- his assessment of Mr. Tran's performance;
- what CSRs are instructed to tell customers regarding loan documents to which they do not have access and cannot locate in their system;
- research he conducted into loan documents not accessible to CSRs.

Plaintiff's Objections: None.

Plaintiff Proposed Testimony:

In addition to Defendant's proposed Testimony, Mr. Childress will testify about the following:

- Knowledge and experience of company policies, procedures and practices
- Personal job duties, work experience and responsibilities; and of others in others in the organization
- Knowledge and experience of Duke Tran's employment

Defendant Objections: No objections to properly formed questions.

4. Clausen, Deborah

Plaintiff Estimated Time: 1 hour

Defendant Estimated Time: 1-2 hours

Plaintiff Proposed Testimony:

Ms. Clausen is expected to testify consistent with her deposition testimony. Ms. Clausen will testify about her background and work experience. Ms. Clausen will testify about her employment with Defendant. She will testify about her background and training with Defendant. She will testify about Defendant's policies and procedures.

Ms. Clausen will testify about meetings with Tran. Ms. Clausen will testify about meetings about Tran and his complaints. She will testify about the security concerns she had about Plaintiff. She will testify about her recommendation regarding the termination of Plaintiff. She will testify about the reasons for Plaintiff's termination, and who made the decision to terminate Plaintiff.

Ms. Clausen will also testify about the following:

- Knowledge and experience of company policies, procedures and practices
- Personal job duties, work experience and responsibilities; and of others in others in the organization
- Knowledge and experience of Duke Tran's employment

Defendant Objections: No objections to properly formed questions.

Defendant Proposed Testimony:

Ms. Clausen will testify generally about her work in the HEMASS department and her interactions with Duke Tran during the 2013-2014 time period, including but not limited to the following:

- the creation of the HEMASS department;
- complaints made by Mr. Tran, to which she was a witness;
- complaints made by Mr. Tran, about which she was informed;

- concerns she had regarding Mr. Tran's behavior;
- any investigation into Mr. Tran's complaints, in which she took part;
- information she learned regarding Mr. Tran's prior performance at Wells Fargo;
- recommendations she made regarding discipline of Mr. Tran, including the rationale for the recommendation;
- expectations and responsibilities of CSRs;
- attempts by Mr. Tran's managers to performance coach him.

Plaintiff Objections: None.

5. Coles, Walter

Plaintiff Estimated Time: Less than 1 hour

Defendant Estimated Time: 15 min

Plaintiff Proposed Testimony:

Mr. Coles is expected to testify about a letter his wife received from Defendant in 2013 about an upcoming end of draw date on his wife's home equity line of credit with Defendant. Mr. Coles will testify about his phone call with Mr. Tran in December 2013 and Defendant's subsequent actions regarding the alleged debt.

Defendant Objections: No objections to properly formed questions.

6. LeDonne, Peter

Plaintiff Estimated Time: 2 hours

Defendant Estimated Time: 3 hours

Plaintiff Proposed Testimony:

Mr. LeDonne will testify about the investigation into Plaintiff's work product. He will testify about his communications with Plaintiff about Plaintiff's call scores. He will

testify about the termination of Plaintiff. He will testify about the reasons for Plaintiff's termination, and who made the decision to terminate Plaintiff.

Mr. LeDonne will also testify about the following:

- Knowledge and experience of company policies, procedures and practices
- Personal job duties, work experience and responsibilities; and of others in others in the organization
- Knowledge and experience of Duke Tran's employment

Defendant Objections: No objections to properly formed questions.

Defendant Proposed Testimony:

Mr. LeDonne will testify generally about his work in HEMASS and his interactions with Duke Tran, including but not limited to the following:

- Tran's performance under Mr. LeDonne;
- challenges he experienced managing Mr. Tran;
- what CSRs are instructed to tell customers regarding loan documents to which they do not have access and cannot locate in their system;
- complaints made by Mr. Tran, to which he was a witness;
- complaints made by Mr. Tran, about which he was informed;
- concerns he had regarding Mr. Tran's behavior;
- any investigation into Mr. Tran's complaints, in which he took part;
- recommendations he made regarding discipline of Mr. Tran, including the rationale for the recommendation;
- discipline he issued to Mr. Tran;
- efforts he made to performance coach Mr. Tran;
- expectations and responsibilities of CSRs;
- coaching and discipline of other CSRs;
- conversations that he had with Mr. Tran.

Plaintiff Objections: None.

7. Longren, Glenda (Via Deposition Testimony)

Plaintiff Estimated Time: Less than 30 minutes

Defendant Estimated Time: 15 minutes

Plaintiff Proposed Testimony:

Ms. Longren is expected to testify consistent with her deposition testimony. Ms. Longren will testify about her employment with Defendant. She will testify about her background and training with Defendant. She will testify about Defendant's policies and procedures.

Ms. Longren will testify about her communications with Mr. Tran about his reports of discrimination and retaliation. Ms. Longren will testify about recommending that the "Memorandum of Understanding" be rescinded.

Defendant/Plaintiff Notes: Ms. Longren resides out of state and the parties have agreed to designate portions of her deposition in lieu of live testimony.

8. Love, Lisa

Plaintiff Estimated Time: 30 minutes

Defendant Estimated Time: 1-2 hours

Defendant Proposed Testimony:

Ms. Love will testify generally about her work in Wells Fargo human resources and her interactions with Duke Tran, including but not limited to the following:

- the structure and function of Wells Fargo's human resources department;
- Wells Fargo's human resources policies and procedures including but not limited to procedures regarding business conduct review;
- Wells Fargo's system of discipline;

- complaints made by Mr. Tran, to which she was a witness;
- complaints made by Mr. Tran, about which she was informed;
- her investigation into complaints made by Mr. Tran;
- recommendations she made regarding complaints made by Mr. Tran, including the rationale for the recommendation.

Plaintiff Objections: None.

Plaintiff Proposed Testimony:

In addition to Defendant's proposed Testimony, Ms. Love will testify about the following:

- Knowledge and experience of company policies, procedures and practices
- Personal job duties, work experience and responsibilities; and of others in others in the organization
- Knowledge and experience of Duke Tran's employment

Defendant Objections: No objections to properly formed questions.

9. Norris, Janice

Plaintiff Estimated Time: 30 minutes

Defendant Estimated Time: 2-3 hours

Defendant Proposed Testimony:

Ms. Norris will testify generally about her work in the HEMASS department and her interactions with Duke Tran during the 2013-2014 time period, including but not limited to the following:

- the creation of the HEMASS department;
- description of Mr. Tran's job duties while working at Wells Fargo;
- discipline of other CSRs in the HEMASS department;
- complaints made by Mr. Tran, to which she was a witness;

- complaints made by Mr. Tran, about which she was informed;
- any investigation into Mr. Tran's complaints, in which she took part;
- recommendations she made regarding discipline of Mr. Tran, including the rationale for the recommendation;
- what CSRs are instructed to tell customers regarding loan documents to which they do not have access and cannot locate in their system;
- the process the HEMASS department followed in 2013-2014 to research and locate loan documents that a CSR was not able to locate in his/her system;
- how Customer Service Representatives (CSRs) should respond if a customer's loan documents could not be located by the CSR based on the available
- attempts by Mr. Tran's managers to performance coach him.

Plaintiff Objections: None.

Plaintiff Proposed Testimony:

In addition to Defendant's proposed Testimony, Ms. Norris will testify about the following:

- Knowledge and experience of company policies, procedures and practices
- Personal job duties, work experience and responsibilities; and of others in others in the organization
- Knowledge and experience of Duke Tran's employment

Defendant Response: No objection to properly formed questions.

10. Peebles, Tyler

Plaintiff Estimated Time: Less than 30 minutes

Defendant Estimated Time: Cross-examination, if required, less than 20 minutes.

Plaintiff Proposed Testimony:

Mr. Peebles will testify about his background and work experience with Defendant. He will testify about his observations of Mr. LeDonne's mocking Mr. Tran's

Vietnamese accent.

Defendant Objections: To the extent that Mr. Tran has dismissed his race discrimination claim, Mr. Peebles' proffered testimony is irrelevant and prejudicial and should be excluded under FRE 401 and 403 and as hearsay under FRE 801. To the extent that this testimony is being offered to establish that an "adverse action" took place, Wells Fargo requests that Plaintiff present an offer of proof regarding exactly what Mr. Peebles testimony will be, in order to allow the Court to determine if a reasonable person could find that what Mr. Peebles describes could reasonably be determined to constitute an adverse action taken because Mr. Tran engaged in whistleblowing activity.

Plaintiff Response: Plaintiff has alleged that LeDonne treated Tran worse than other employees, including mocking his accent. A reasonable juror could conclude that this is an adverse action and/ or evidence that LeDonne had animus toward Tran. The timing of the treatment by LeDonne is relevant circumstantial evidence that LeDonne treated Tran worse after Tran's protected activity.

11. Phillip, Judi

Plaintiff Estimated Time: Less than 1 hour

Defendant Estimated Time: Cross-examination, if required, less than 20 minutes.

Plaintiff Proposed Testimony:

Ms. Phillip will testify about her background and work experience with Defendant. She will testify about Mr. Tran's work product during the time-period she worked in the same unit as Mr. Tran.

Ms. Phillip will testify about her communications with Mr. Tran in which he disclosed that Defendant had instructed him to lie to customers. She will testify about her experience receiving illegal instructions from Defendant.

Defendant Objections: Ms. Philip worked in Collections and not HEMASS, and retired

in mid-2013 – well before any of the actions that Tran complains of took place. Therefore, she has no personal knowledge of any of the relevant issues in this case and her testimony should be excluded under FRE 402 and 608. Moreover, Ms. Philips’ testimony about conversations between her and Mr. Tran are hearsay and must be excluded under FRE 801. Finally, Ms. Philips never worked in the HEMASS department; therefore any testimony about alleged “*illegal instructions*” is irrelevant, unduly prejudicial, improper character evidence and improper opinion testimony and should be excluded under FRE 401, 403, 404(b), and 701(c).

Plaintiff Response: Ms. Phillip’s testimony about conversations with Tran is admissible to demonstrate Tran’s good faith in reporting information that he believed was unlawful. Her testimony about receiving other illegal instructions is persuasive evidence that what Tran believed was an illegal instruction was not a mistake. The evidence tends to demonstrate that Defendant had an illegal motive to deceive its customers, as Tran believed.

12. Ray, Marlo

Plaintiff Estimated Time: Less than 1 hour

Defendant Estimated Time: Cross-examination, if required, less than 20 minutes.

Plaintiff Proposed Testimony:

Ms. Ray will testify about her background and work experience with Defendant. She will testify about her communications with Mr. Tran during Mr. Tran’s employment with Defendant in which he disclosed that his supervisor was asking him to do things that he did not feel was lawful. She will testify that Mr. Tran told her that Mr. Tran’s supervisor began treating him differently after opposing his supervisor’s instructions and that he planned to report his concerns to management. She will testify that she saw other employees were retaliated against for questioning Defendant’s practices.

Defendant Objections: Ms. Ray’s employment with Wells Fargo ended in December

2012 and she worked in the Collections Department and not the HEMASS department. Therefore, she has no personal knowledge of what took place in the HEMASS department during the time that Plaintiff was employed there (March 2013 to November 2014), and any testimony that she has regarding “*retaliation*” by Wells Fargo is irrelevant, improper character evidence and unduly prejudicial and should be excluded under FRE 401, 404(b), and 403. Moreover, any conversations between Ms. Ray and Mr. Tran are hearsay and not properly admissible under FRE 801.

Plaintiff Response: Ms. Ray’s testimony about conversations with Tran is admissible to demonstrate Tran’s good faith in reporting information that he believed was unlawful. It also shows the defendant’s conduct and practices that were in place before Mr. Tran was terminated. Ms. Ray’s testimony about retaliation is persuasive evidence that the what Tran experienced was not a mistake. The evidence tends to demonstrate that Defendant had an illegal motive in terminating Tran.

13. Rose, Alan

Plaintiff Estimated Time: Less than 1 hour

Defendant Estimated Time: 1 hour

Plaintiff Proposed Testimony:

In addition to Defendant’s proposed Testimony, Mr. Rose will testify about the following:

- Knowledge and experience of company policies, procedures and practices
- Personal job duties, work experience and responsibilities; and of others in others in the organization
- Knowledge and experience of Duke Tran’s employment
- Mr. Rose will testify about meetings with and about Tran, including complaints made by Tran.

Defendant Objections: No objections to properly framed questions.

Defendant Proposed Testimony:

Mr. Rose will testify generally about his work at Wells Fargo and his interactions with Duke Tran during the 2013-2014 time period, including but not limited to the following:

- complaints made by Mr. Tran, to which he was a witness;
- complaints made by Mr. Tran, about which he was informed;
- any investigation into Mr. Tran's complaints, in which he took part;
- challenges he experienced managing Mr. Tran.

Plaintiff Objections: None.

14. Thrush, Kimberly

Plaintiff Estimated Time: 1 hour

Defendant Estimated Time: 2 hours

Plaintiff Proposed Testimony: In addition to Defendant's proposed Testimony, Ms. Thrush will testify about the following:

- Knowledge and experience of company policies, procedures and practices
- Personal job duties, work experience and responsibilities; and of others in others in the organization
- Knowledge and experience of Duke Tran's employment
- Ms. Thrush is expected to testify consistent with her deposition testimony. Ms. Thrush will testify about her background and work experience. Ms. Thrush will testify about her employment with Defendant. She will testify about her background and training with Defendant. She will testify about Defendant's policies and procedures.
- Ms. Thrush will testify about the "Memorandum of Understanding" issued to

Plaintiff. She will testify about meetings with Tran and about Tran, including Tran's complaints. She will testify about the termination of Plaintiff. She will testify about the reasons for Plaintiff's termination, and who made the decision to terminate Plaintiff.

Defendant Objections: No objection to properly proposed questions.

Defendant Proposed Testimony:

Ms. Thrush will testify generally about her work in the HEMASS department and her interactions with Duke Tran during the 2013-2014 time period, including but not limited to the following:

- Mr. Tran's work performance under her management;
- challenges she experienced managing Mr. Tran;
- what CSRs are instructed to tell customers regarding loan documents to which they do not have access and cannot locate in their system;
- the process the HEMASS department followed in 2013-2014 to research and locate loan documents that a CSR was not able to locate in his/her system;
- the purpose of her April 6, 2014 e-mail to HEMASS team leads regarding missing loan documents;
- complaints made by Mr. Tran, to which she was a witness;
- complaints made by Mr. Tran, about which she was informed;
- concerns she had regarding Mr. Tran's behavior;
- any investigation into Mr. Tran's complaints, in which she took part;
- recommendations she made regarding discipline of Mr. Tran, including the rationale for the recommendation;
- discipline she issued to Mr. Tran;
- discipline issued to other CSRs in HEMASS;
- efforts she made to performance coach Mr. Tran.

Plaintiff Objections: None.

15. Tran, Duke

Plaintiff Estimated Time: 2-3 hours

Defendant Estimated Time: 2-3 hours

Plaintiff Proposed Testimony:

Mr. Tran will testify regarding:

- the allegations in his First Amended Complaint (Dkt. 28);
- his background, work experience, upbringing, and language;
- being hired by Defendant, his work duties and work performance. He will testify about his job duties as a Customer Service Representative 4 in Defendant's Home Equity Maturing Accounts Specialty Services ("HEMASS") department;
- interactions with Defendant's customers regarding balloon payments and missing loan documentation;
- interactions with his supervisor, Peter LeDonne, including reporting unlawful behavior by Defendant and actions taken by LeDonne that Tran felt were retaliatory;
- interactions with his team lead, Heather Stone, regarding missing loan documents;
- correspondence received by Tran and others indicating that if situations arose where loan documents were missing from the file, under any circumstance, they were not allowed to tell customers that Defendant did not have their contract;
- Tran's experience attempting to utilize protected leave and how Defendant's response evidenced further retaliation against him;

- interactions with the Lending Manager, Kimberly Thrush regarding the “Memo of Understanding” Tran received;
- interactions with Human Resources Employee Relations Consultant, Glenda Longren, regarding his complaints about LeDonne and Thrush;
- interactions with Human Resource Specialist, Lisa Love, regarding his complaints about LeDonne and Thrush;
- the August 2014 “Informal Warning” Tran received, the basis, and that it was overturned;
- interactions with Lending Manager, Debbie Clausen and Tran’s complaints to her;
- interactions with Senior Vice President of Home Lending Portfolio Operations Management, Alan Rose, and his complaints to Rose;
- his applications for internal openings with Defendant, the interviews he received, and LeDonne’s attempt to block Tran’s interview;
- the meeting in which Tran was terminated;
- what Tran was later told about his termination by Defendant;
- his mental distress caused by the retaliation and termination.

Defendant Objections: To the extent that any of the testimony that Mr. Tran attempts to offer lacks foundation and calls for speculation, that testimony should be excluded under FRE 602 and 403.

Plaintiff Response: No objection.

Defendant Proposed Testimony:

Wells Fargo will cross-examine Mr. Tran on statements he has made in his deposition and statements he makes at trial.

Plaintiff Objections: None.

16. Vo, Anh Trevet

Plaintiff Estimated Time: Less than 1 hour

Defendant Estimated Time: 15 minutes

Plaintiff Proposed Testimony:

Ms. Vo is Plaintiff's wife. She will testify about Plaintiff's mental distress caused by the retaliation and termination.

Defendant Objections: Ms. Vo is not a medical expert -- to the extent she attempts to offer testimony as to the cause of Mr. Tran's mental state, that testimony lacks foundation, calls for speculation and constitutes improper opinion testimony and must be excluded under FRE 602, 403 and 701(c). Additionally, testimony about what Mr. Tran, or other non-party, told Ms. Vo are inadmissible hearsay under FRE 801.

Plaintiff Response: Ms. Vo's testimony about conversations with Tran is admissible to demonstrate Tran's good faith in reporting information that he believed was unlawful. In addition, she does not need to be a medical expert in order to testify about what she rationally observed in terms of garden-variety emotional distress.

17. Wittenstein, Nate

Plaintiff Estimated Time:

Defendant Estimated Time: 30 minutes

Defendant Proposed Testimony:

Mr. Wittenstein will testify generally about his work in HEMASS department and his interactions with Duke Tran, including but not limited to the following:

- what CSRs are instructed to tell customers regarding loan documents to which they do not have access and cannot locate in their system;
- the process the HEMASS department followed in 2013-2014 to research and locate loan documents that a CSR was not able to locate in his/her system;

- research he conducted into loan documents not accessible to CSRs;
- his interactions with the customer whose account information is referenced in WF01172-74, and Wells Fargo's reaction thereto.

Plaintiff Objections: Mr. Wittenstein's testimony is wholly irrelevant. The processes used by HEMASS will be discussed by multiple defense witnesses and is therefore duplicative and will waste the jury's time. Mr. Wittenstein should also not be allowed to testify about research he conducted into loan documents not accessible to CSRs because it is irrelevant to the case whether on some occasions Defendant was able to find missing loan documents through their research department. Defendant is using this evidence to try to demonstrate its own good character, which is impermissible. Finally his interactions with the person referenced in WF01172-74 are not relevant to any issue in this case. It does not have any bearing on Tran's good faith complaints or Defendant's adverse actions against him.

Defendant Response: Plaintiff's claim revolves around Wells Fargo's interactions with Customer XX in December 2103 and in the Spring of 2014 regarding a home equity that would be maturing soon. Specifically, Mr. Tran alleges that Wells Fargo provided Customer XX with misleading and fraudulent information about a home equity loan that they had with the bank. Both Mr. Tran and Mr. Wittenstein spoke to Customer XX regarding the loan documents at issue, during the relevant time frame. Mr. Tran purports to offer testimony from himself, from the customer, and from Mr. LeDonne regarding these interactions. Wells Fargo should be allowed to present Mr. Wittenstein to offer his account of what was and was not disclosed to the customer, to rebut Mr. Tran's narrative. Mr. Wittenstein should further be allowed to offer his understanding of what information CSRs are instructed to disclose to customers in such circumstances, what informed his statements to the customer at issue, and Wells Fargo's reaction upon learning of what he informed the customer.

18. Fruits, Eric

Plaintiff Estimated Time: 30 minutes

Defendant Estimated Time: None – Moving to Exclude

Plaintiff Proposed Testimony:

Wells Fargo is generally recognized as the largest mortgage loan originator in the U.S. In 2016, Wells Fargo originated approximately \$249 billion of mortgage loans and comprised approximately 13 percent of the mortgage loan origination market. Wells Fargo is also generally recognized as the largest mortgage loan servicer in the U.S. In 2016, Wells Fargo serviced a portfolio of approximately \$1.6 trillion mortgage loans. We would withdraw Fruits from the liability stage if WF stipulated to those three sentences being read to the jury. This is relevant to motive and discussed in the Motions in Limine.

Defendants Objection:

Wells Fargo objects to Dr. Fruits providing testimony during the liability phase of this trial. There is no need for an expert witness on specific data about the size of Wells Fargo. Such information is irrelevant and prejudicial. See Defendant's MIL 4. Nor was Dr. Fruits disclosed for as a liability expert. Dr. Fruit's testimony was originally offered to support Mr. Tran's punitive damage demand. The proposed testimony appears to be a backdoor attempt to offer evidence to support a demand for punitive damage. It is all information easily accessible on the internet – it does not require specialized knowledge and, as he admitted at his deposition, was obtained via google. Wells Fargo is moving to exclude Dr. Fruits per their Motion to Exclude, filed contemporaneously with this document.

Pursuant to the August 25, 2016 Case Management Order (Dkt. 38), Plaintiff Duke Tran and Defendant Wells Fargo Bank, N.A. jointly submit this exhibit list.

EXHIBIT LIST

Joint Exhibit Number	Bates Range	Offered by Plaintiff	Offered by Defendant	Objections	Response
1	TRAN 7-8	X	X	No objection	
2	TRAN 35-38	X	X	No objection	
3	TRAN 226	X	X	No objection.	
4	WF 126-128	X		No objection	
5	WF 1259	X	X	No objection	
6	WF 578-587	X		403 – The last page of this Exhibit contains a document that is incomplete and therefore is confusing and misleading.	Plaintiff will include entire document in exhibit.
7	WF 1078-1080	X		No objection	
8	WF 629-630	X	X	No objection	
9	WF 1104-1112	X			
10	WF 613-614	X		No objection	
11	WF 1178-1179	X		No objection	
12	WF 1163-1164	X	X	No objection	
13	WF 534	X	X	No objection	
14	WF 662-663	X	X	No objection	
15	WF 1171	X		No objection	
16	WF 685-687	X	X	No objection	
17	WF 763	X		401/403 – See Def. MIL 3	
18	WF 1172-1174	X		No objection	

Joint Exhibit Number	Bates Range	Offered by Plaintiff	Offered by Defendant	Objections	Response
19	WF 1175	X		No objection	
20	WF 1176-1177	X	X	No objection	
21	WF 1181-1182	X	X	No objection	
22	WF 1183	X	X	No objection	
23	WF 1184	X	X	No objection	
24	WF 1185	X	X	No objection	
25	WF 1186	X	X	No objection	
26	WF 1187	X	X	No objection	
27	WF 1188-1189	X		No objection	
28	WF 1190	X		402/403 – Irrelevant and confusing. Unrelated to issues in the case.	Directly at issue in the case. Evidence of Wells Fargo policies and procedures. How it conducts and manage employees are at issue in this case.
29	WF 1191-1192	X		No objection	
30	WF 1193-1194	X		No objection	
31	WF 1195-1196	X		No objection	
32	WF 1197-1201	X		No objection	
33	WF 1202	X		No objection	
34	WF 1203	X		No objection	
35	WF 1204	X		No objection	
36	WF 1205	X		No objection	
37	WF 1206	X		No objection	
38	WF 1207-1208	X		No objection	
39	WF 1209-1211	X		No objection	
40	WF 1212	X		No objection	
41	WF 1213-1215	X		No objection	
42	WF 679-680	X	X	No objection	
43	WF 886	X		No objection	

Joint Exhibit Number	Bates Range	Offered by Plaintiff	Offered by Defendant	Objections	Response
44	WF 790-793	X		402/ 403 –Irrelevant, waste of court time and confusing – this document does not relate to the HEMASS Department	Evidence of defendant conduct managing quality control of employees. Defendant conduct is at issue.
45	WF 631-632	X	X	No objection	
46	WF 1235-1238	X		801 – hearsay within hearsay	Exception to Hearsay will apply, witness may testify to contents
47	WF 618-622	X		No objection	
48	WF 646-648	X		No objection	
49	WF 538-556	X		No objection	
50	WF 1360	X		No objection	
51	WF 1346	X		No objection	
52	WF 1347-1359	X		No objection	
53	WF 1318-1329	X	X	No objection	
54	WF 1362-1376	X		No objection	
55	WF 1340-1342	X		No objection	
56	WF 506	X		No objection	
57	WF 591-592	X		No objection	
58	WF 1682-1696	X		402 – Irrelevant and meant to harass.	Employer practices and policies, relevant to employee conduct and supervisory duties.
59	WF 623-624	X	X	No objection	
60	WF001094	X	X	No objection	
61	WF000178-444	X		No objection	
62	WF001226-1230	X		No objection	
63	WF 1239-1254	X		No objection	
64	WF 481-493	X		No objection	
65	WF 494-495	X		No objection	
66	WF 496-517	X		No objection	
101	WF 001-003		X	402 – Irrelevant and meant to harass.	608 - Goes to credibility.

Joint Exhibit Number	Bates Range	Offered by Plaintiff	Offered by Defendant	Objections	Response
102	WF 169		X	402 – Irrelevant and meant to harass.	406 - Goes to Tran's pattern and practice of ignoring policies.
103	NWPC 0084-0087		X	402 – Irrelevant and meant to harass. Contains private health information not relevant to any claim or defense.	Directly relates to emotional distress.
104	WF 1422-1425 WF 1644-1646 WF 1664-1666		X	402 – Irrelevant	Demonstrates a legitimate non-discriminatory motive for discipline he claims is retaliatory and unfair.
105	WF 796-825		X	402 – Irrelevant	Demonstrates Tran had longstanding problems performing the job of a HEMASS CSR. Any corrective action given to him was warranted and not retaliatory.
106	WF 1172-1174		X	No objection	
107	WF 1165-1171		X	No objection	
108	WF 178; 264; 321; 325; 383; 384		X	Objection to the extent it is incomplete. The entire handbook should be included.	See Ex. 62 – Wells Fargo does not object to Plaintiff using the entire handbook, but is entitled to rely only on the policies it believes are at issue in this case, and avoid presenting the jury with irrelevant information.
109	WF 1413-1415 WF 1637-1638 WF 1655-1657 WF 1672-1674		X	402 – Irrelevant	Demonstrates a legitimate non-discriminatory motive for discipline he claims is retaliatory and unfair.

Joint Exhibit Number	Bates Range	Offered by Plaintiff	Offered by Defendant	Objections	Response
110	WF 0783-0785 WF 786-787 WF 1411-1412 WF 1426-1428 WF 1429-31 WF 1667-1669 WF 1676-77		X	402 – Irrelevant	Demonstrates a legitimate non-discriminatory motive for discipline he claims is retaliatory and unfair.
111	WF 1179		X	Objection to the extent it is incomplete. Entire string should be included.	See Ex. 11– Wells Fargo does not object to Plaintiff introducing subsequent responses, but is entitled to introduce the email contained in Ex. 111 as a standalone exhibit.
112	WF 1088		X	No objection	
113	WF 523		X	No objection	
114	WF 524		X	No objection	
115	WF 525		X	No objection	
116	WF 526		X	No objection	
117	WF 527		X	No objection	
118	WF 703-706		X	No objection	
119	TRAN 248-250		X	No objection	
120	WF 530		X	No objection	
121	WF 1344-1345		X	No objection	
122	WF 536		X	No objection	
123	WF 497-498		X	No objection	
124	WF 518-537		X	No objection	
125	TRAN 48		X	No objection	
126	WF 1195-1196		X	No objection	
127	WP 1197-1201		X	No objection	
128	WF 1212		X	No objection	
129	WF 699-702		X	No objection	
130	WF 1209-1211		X	No objection	
131	WF 683-684		X	No objection	
132	WF 690-691		X	No objection	

Joint Exhibit Number	Bates Range	Offered by Plaintiff	Offered by Defendant	Objections	Response
133	https://www.usatoday.com/story/news/nation/2014/09/23/alabama-workplace-shooting/16097127/		X	Lack of foundation	902(6) – newspaper articles are self-authenticating.
134	http://www.montgomeryadvertiser.com/story/news/2014/09/24/2-supervisors-killed-in-alabama-ups-shooting/16166163/		X	Lack of foundation	902(6) – newspaper articles are self-authenticating.
135	WF 510		X	No objection	
136	WF 650-652		X	No objection	
137	WF 1095-1096		X	No objection	
138	WF 513		X	No objection	
139	WF 677		X	No objection	
140	WF 678		X	No objection	
141	WF 670-672		X	No objection	
142	WF 653-654		X	No objection	
143	WF 1193		X	No objection	
144	WF 1202		X	No objection	
145	WF 627-628		X	No objection	
146	WF 600-602		X	No objection	
147	WF 625		X	No objection	
148	WF 635		X	No objection	
149	WF 1652-1654		X	No objection	
150	WF 607-09		X	No objection	
151	WF 610		X	No objection	
152	WF 1102		X	No objection	
153	WF 1203		X	No objection	
154	WF 1296-97		X	No objection	
155	WF 1298-99		X	No objection	
156	WF 1303-05		X	No objection	
157	WF 471-73		X	No objection	

Joint Exhibit Number	Bates Range	Offered by Plaintiff	Offered by Defendant	Objections	Response
158	WF 474-77		X	No objection	
159	WF 1274-80		X	No objection	
160	WF 1313-14		X	No objection	
161	WF 1260-62		X	No objection	
162	WF 1205		X	No objection	
163	WF 1281-89		X	No objection	
164	WF 1263-66		X	No objection	
165	WF 1271-73		X	No objection	
166	WF 582-83		X	No objection	
167	WF 481-85		X	No objection	
168	WF 1309-10		X	No objection	
169	WF 557; 1081-86		X	No objection	
170	WF 826-969		X	No objection	
171	WF 1232-33		X	No objection	
172	WF 465-66		X	No objection	
173	WF 1231		X	No objection	
174	WF 128		X	No objection	
175	TRAN 5 TRAN 7-8		X	No objection	
176	USB 002-011		X	No objection	
177	WF 1633-35		X	No objection	
178	WF 1678		X	No objection	
179	USB 22-23		X	No objection	
180	Previously Produced as WF 558-577		X	No objection	
181	WF 578-81		X	No objection	
182	WF 584-586		X	No objection	
183	WF 636-639		X	No objection	
184	WF 656-658		X	No objection	
185	WF 778		X	No objection	
186	WF 788-789		X	No objection	
187	WF 1075		X	No objection	
188	WF 1076		X	No objection	
189	WF 1087		X	No objection	
190	WF 1100-1101		X	No objection	
191	WF 1104-1108		X	No objection	
192	WF 1109-1112		X	No objection	

Joint Exhibit Number	Bates Range	Offered by Plaintiff	Offered by Defendant	Objections	Response
193	WF 1267-70		X	No objection	
194	WF 1361		X	No objection	
195	WF 1377		X	No objection	
196	WF 1378		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
197	WF 1379		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
198	WF 1380		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
199	WF 1381		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
200	WF 1382		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
201	WF 1383		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.

Joint Exhibit Number	Bates Range	Offered by Plaintiff	Offered by Defendant	Objections	Response
202	WF 1384		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
203	WF 1385		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
204	WF 1386		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
205	WF 1387		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
206	WF 1388		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
207	WF 1389		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
208	WF 1390		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.

Joint Exhibit Number	Bates Range	Offered by Plaintiff	Offered by Defendant	Objections	Response
209	WF 1391		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
210	WF 1392		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
211	WF 1393		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
212	WF 1394		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
213	WF 1395		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
214	WF 1396		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
215	WF 1397		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.

Joint Exhibit Number	Bates Range	Offered by Plaintiff	Offered by Defendant	Objections	Response
216	WF 1398		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
217	WF 1399		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
218	WF 1400		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
219	WF 1774		X	Lack of foundation	The testimony of Kimberly Thrush in connection with Ex. 220 and Ex. 221 will establish the necessary foundation.
220	Declaration of Jennifer Firebaugh		X	Plaintiff does not have this exhibit	Wells Fargo provided this Exhibit on January 24, 2018, in response to foundation concerns.
221	Declaration of Erika Buck		X		Wells Fargo provided this Exhibit on January 24, 2018, in response to foundation concerns.
222	NWPC 218-220		X	402 – Irrelevant and meant to harass. Contains private health information not relevant to any claim or defense	608 - Goes to credibility

DATE: January 26, 2018

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